

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WILLIAM DENNIS RICCI,	:	Civil No. 09-3268 (FLW)
	:	Civil No. 09-4103 (FLW)
Plaintiff,	:	
	:	
v.	:	<u>ORDER</u>
	:	<u>APPLIES TO BOTH ACTIONS</u>
STEVEN UGHETTA, et al.,	:	
	:	
Defendants.	:	

For the reasons stated in the Opinion filed herewith,

IT IS on this 19th day of August, 2009,

ORDERED that the Clerk shall administratively terminate Civil Action No. 09-4103 (FLW) as duplicative of Civil Action No. 09-3268 (FLW), without assessment of a filing fee, and the Clerk shall close the file on Civil Action No. 09-4103 (FLW); and it is further

ORDERED that that Plaintiff's application to proceed in forma pauperis is granted with respect to Civil Action No. 09-3268 (FLW); and it is further

ORDERED that the Clerk shall file the complaint in Civil
Action No. 09-3628 (FLW); and it is further

ORDERED that the complaint submitted in Civil Action No. 09-3628 (FLW) is dismissed, with prejudice, for failure to state a claim upon which relief may be granted or, in alternative, as untimely; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b) (2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b) (1) (A), Plaintiff is assessed an initial partial filing fee equal to 20% of the average monthly deposits to Plaintiff's prison account for the six month period immediately preceding the filing of the complaint; when funds exist, the agency having custody of Plaintiff shall deduct said initial fee from Plaintiff's prison account and forward it to the Clerk; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b) (2), until the \$350.00 filing fee is paid, each subsequent month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from the Plaintiff's account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's prison account, with each payment referencing the docket number of this action; and it is further

ORDERED that the Clerk shall serve copies of this Order upon the Attorney General for the State of New Jersey and the warden of Plaintiff's current place of confinement; and it is finally

ORDERED that the Clerk shall serve copies of this Order and Opinion filed herewith upon Plaintiff by regular U.S. mail and close the file on Civil Action No. 09-3268.

S/Freda L. Wolfson

FREDA L. WOLFSON
United States District Judge